



# Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

110 E. MAIN STREET, SUITE 440

MADISON, WISCONSIN 53703

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Commissioners

Telephone (608) 266-7442

October 30, 2023

**To: Interested Persons – See Attached List**

Re: Rule Petition 22-03, In re Amendment to SCRs 72.01(8), 72.01(9), and 72.01(10),  
Relating to Retention of Records in Eviction Cases

Greetings:

I am assisting the Wisconsin Supreme Court with its consideration of rule petition 22-03, filed on March 29, 2022, by Attorney Korey C. Lundin on behalf of Legal Action of Wisconsin, Inc. The petition asks the court to amend Supreme Court Rules (SCR) 72.01(8), 72.01(9), and 72.01(10) to shorten the record retention period for eviction cases in which no money judgment is entered. The petition and related documents are available on the court's website at <https://www.wicourts.gov/scrules/pending/2203.htm>.

The court held a public hearing on this matter on September 7, 2023, and discussed the petition at an October 9, 2023 open administrative conference. Following the open administrative conference, the court voted to solicit supplemental comments from the petitioner and interested persons addressing the following question:

If the court adopts a modified version of the petitioner's proposed SCRs 72.01(8)(a), (9)(a), and (10)(a) that would create a retention period of "2 years after entry of final order or judgment for all eviction cases in which no judgment for money is entered against any party, including contested cases, stipulated dismissals, and default judgments," would the court be required to include an exception for cases governed by Wis. Stat. § 758.20(2)(a) in which a writ of restitution has been granted, in order to avoid a conflict with that statute?

Supplemental comments should be filed by Tuesday, November 28, 2023, with the Clerk of Supreme Court, Attention: Deputy Clerk-Rules, P.O. Box 1688, Madison, WI 53701-1688. Please also email a Microsoft Word version of your response to [clerk@wicourts.gov](mailto:clerk@wicourts.gov). See comment guidelines at the court's website at <https://www.wicourts.gov/scrules/process.htm>. Court communications on the petition and any written comments filed with the clerk's office will be posted on the website.

If you have specific questions or other comments with regard to this matter, please contact me by mail at P.O. Box 1688, Madison, WI 53701-1688, by telephone at 608-266-7442, or by email at [tim.barber@wicourts.gov](mailto:tim.barber@wicourts.gov).

Sincerely,

/s/

Timothy M. Barber

Supreme Court Commissioner

cc: Chief Justice Annette Kingsland Ziegler  
Justice Ann Walsh Bradley  
Justice Rebecca Grassl Bradley  
Justice Rebecca Frank Dallet  
Justice Brian Hagedorn  
Justice Jill J. Karofsky  
Justice Janet C. Protasiewicz  
Attorney Korey C. Lundin, Legal Action of Wisconsin

**List of Interested Persons**

Badger State Sheriffs' Association, Attention: Executive Director  
Board of Administrative Oversight, Attention: Denis Donohoe, Chair  
Board of Bar Examiners  
Chief Circuit Court Judges  
Circuit Court Judges  
Clerk of Supreme Court and Court of Appeals, Samuel A. Christensen  
Court of Appeals, Attention: Chief Staff Attorney  
Court of Appeals Judges  
Court Operations: Holly Szablewski, Deputy Director of State Courts, Court Operations  
Court Operations: Ann Olson, Krista Miller, Amber Peterson, Trent Koerner, Meg Sternitzky  
Department of Administration, State Prosecutors Office, Attention: Kasey Deiss, Director  
Interim Director of State Courts, Honorable Audrey K. Skwierawski  
District Court Administrators  
Eastern District of Wisconsin Bar Association, Attention: Katy Borowski, Executive Director  
Hamilton Consulting Group, Attention: Rebecca Hogan, R.J. Pirlot, Adam Jordahl  
Legal Action of Wisconsin, Attention: Deedee Peterson, Executive Director  
Legal Aid Society of Milwaukee, Attention: Colleen Foley, Executive Director  
Marquette University Law School, Attention: Joseph D. Kearney, Dean  
Office of Lawyer Regulation, Attention: Timothy Samuelson, Director  
Office of State Public Defender, Attention: Katie York  
Office of State Public Defender, Attention: Jeremy C. Perri  
Office of the Attorney General, Attention: Josh L. Kaul  
Preliminary Review Committee, Attention: Barry Boline, Chair  
State Bar of Wisconsin, Attention: Larry Martin, Executive Director; Lisa Roys, Public Affairs  
Director; Dean Dietrich, President; Margaret Hickey, Past-President; and Jane Bucher,  
President-Elect  
University of Wisconsin Law School, Attention: Daniel Tokaji, Dean; Myra Sun, Exec. Asst.  
Western District Bar Association of Wisconsin, Attention: Winn S. Collins  
Wisconsin Asian American Bar Association, Attention: Julius Kim, President  
Wisconsin Association for Justice, Attention: Bryan Roessler, Executive Director; Jim Rogers,  
Government Affairs Director  
Wisconsin Association of African American Lawyers  
Wisconsin Association of Criminal Defense Lawyers, Attention: Peter McKeever  
Wisconsin Association of Judicial Court Commissioners, Attention: Susan Schaubel  
Wisconsin Bankers Association, Attention: Kris Cleven, Vice President-Legal  
Wisconsin Clerks of Circuit Court Association, Attention: Regina Kolbow, Stacy Kleist, and  
Carlo Esqueda  
Wisconsin Counties Association, Attention: Marcie Rainbolt  
Wisconsin Defense Counsel, Attention: Jenni Kilpatrick, Executive Director; Andrew Hebl,  
President  
Wisconsin District Attorneys Association, Attention: Greta Mattison, Executive Director  
Wisconsin Family Court Commissioners Association, Attention: David Pruhs, Deputy Family  
Court Commissioner; Lisa Krueger, Family Court Commissioner; Elizabeth Pfeuffer,  
Family Court Commissioner; Peggy Miller, Family Court Commissioner  
Wisconsin Hispanic Lawyers Association, Attention: Pamela M. Ritger  
Wisconsin Judicare, Inc., Attention: Beth Ann Richlen, Executive Director; Kristin M. Slonski,  
Director of Advocacy and Legal Services  
Wisconsin Judicial Commission, Attention: Jeremiah VanHecke  
Wisconsin Judicial Council, Attention: William C. Gleisner, III, Chair  
Wisconsin Judicial Council, Appellate Procedure Committee, Attention: Hon. Thomas M. Hruz

Wisconsin Juvenile Court Clerks Association, Attention: Lisa Milella  
Wisconsin Municipal Judges Association, Attention: Honorable Robert Kupfer  
Wisconsin Newspaper Association, Attention: Beth Bennett, Executive Director  
Wisconsin Registers in Probate Association  
Wisconsin Sheriffs & Deputy Sheriffs Association, Attention: Sandy Schueller  
Wisconsin State Attorneys Association, Attention: John Gelhard  
Wisconsin Trial Judges Association, Attention: Honorable Gregory Gill, Jr.  
Wisconsin Tribal Judges Association, Attention: Honorable Gwendolyn Topping, President

**List of Additional Interested Persons**

American Civil Liberties Union – Wisconsin, Attention: Chris Donahoe  
Bruce Grau  
Cia Siab, Inc., Attention: Dr. Xong Xiong  
Clerks of Circuit Court  
Community Advocates, Inc., Attention: Mike Bare  
Coulee Tenants United, Attention: Kevin Hundt, Chair  
David R. Sparer, Attorney  
Eviction Defense Clinic, Attention: Grace Kube and Sophie Krispin  
Frank Lubotsky  
Greater Wisconsin Agency on Aging Resources, Inc., Attention: Janet Zander, Advocacy and  
Public Policy Coordinator  
Habitat for Humanity – La Crosse Area, Attention: Kahya Fox, Executive Director  
Heiner Giese, Attorney  
Homeless Services Consortium, Attention: Brenda K. Konkel, President  
James E. Goldschmidt, Attorney  
Justified Anger Court Observers, Attention: Laura Berger, Program Lead  
League of Women Voters of Beloit, Attention: Susan E. Adams, Secretary and Action Chair  
Legal Action of Wisconsin, Attn: Allison Creekmur, Heidi M. Wegleitner, Carmel L. Ayers,  
Niabi Schmaltz, Raphael F. Ramos, Charles Bowen  
MACH One Health, Attention: Anne Reynolds, Board Member  
Madison Street Medicine, Attention: Tijana Sagorac Gruichich, Assistant Executive Director  
Madison Tenant Resource Center  
Mark A. Silverman, Attorney  
Matthew Desmond and Maurice P. Suring  
Metropolitan Milwaukee Fair Housing Council, Attention: William R. Tisdale, President and CEO  
Milwaukee Justice Center, Attention: Mary Ferwerda, Executive Director  
Milwaukee Rental Housing Resource  
Mitch, Attorney  
NAACP Dane County Branch, Attention: Gregory C. Jones  
Pathfinders, Attention: Timothy R. Baack, President and CEO  
Hon. Richard J. Sankovitz  
Robert Brooks, Representative  
Rev. Steven Howland  
Safe & Sound Inc., Attention: Bridget Robinson-Whitaker, Executive Director  
Sally McCoy  
Tenant Resource Center, Attention: Robin Sereno, Executive Director

Tijana Sagorac Gruichich  
United Way of Greater Milwaukee & Waukesha County, Attention: Amy Lindner, President and  
CEO

Wisconsin Access to Justice Commission, Attention: Dan Hoff

Wisconsin Apartment Association

Wisconsin Justice Initiative, Attention: Craig Johnson

Wisconsin Realtors Association

Wisconsin Records Management Retention Subcommittee, Attention: Kevin E. Martens, Chair

YWCA Madison, Attention: Vanessa McDowell, CEO